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W.P.No.34505 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2024

CORAM

**THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P.No.34505 of 2012

and

M.P.No.2 of 2012

D.Suguna

...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound,
College Road, Chennai- 600 006.
- 2.The Chairman,
Tamil Nadu State Council for
Higher Education,
Lady Willingdon College Campus,
Chennai- 5.
- 3.The Director of School Education,
College Road, Chennai-6

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, praying to call for the records of the 1st respondent which was downloaded on 06.12.2012 and quash the order rejecting the eligibility for the post of Graduate Assistant (Tamil) of the petitioner bearing Roll No.12TE25257503 in the Department of School Education of the 1st respondent.

For Petitioner : M/s.Sasikala Ramadoss

For Respondents : Mr.K.H.Ravi Kumar,
Government Advocate for R2&R3
Mr.C.Karthivavan, for R1

ORDER

This writ petition has been filed seeking to call for the records of the 1st respondent in connection with result sheet in respect of the petitioner pursuant to the notification issued in Advertisement No.4 of 2012 dated 07.03.2012 for the post of Graduate Assistant Tamil in the Department of School Education of the respondent/State and to quash the same.

The facts relevant to the disposal of the writ petition are as under:

2.In response to the notification issued by the respondent/Board in Advertisement No.4 of 2012, the petitioner participated in the recruitment process for the post of Graduate Assistant Tamil and accordingly petitioner



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became qualified by securing 90 marks and then participated in the process of certificate verification. During the process of certificate verification, it is noticed that the petitioner was possessing the Graduation degree in B.A Functional Tamil issued by the Pondicherry University and as such the petitioner was found not qualified for the post of Graduate Assistant Tamil. As is evident from the notification in question the qualification as prescribed for the post of Graduate Assistant Tamil is Bachelor degree in Tamil, but the petitioner is possessing only a Bachelor degree i.e., B.A.Functional Tamil but not B.A.Tamil. That's how the petitioner was found to be not qualified for the post of Graduate Assistant Tamil and her case was rejected by the respondent/Board.

3.It is aggrieved by the said rejection of the candidature of the petitioner by the respondent/Board, the petitioner approached this Court for filing the present writ petition contending that the Government through G.O.Ms.No.112 Higher Education (H2) Department dated 18.07.2014 treated the Bachelor Degree i.e. B.A. (Functional Tamil) issued by the Pondicherry University as an equivalent Degree to that of Bachelor Degree B.A.Tamil and therefore, the petitioner's case ought to have been considered by the



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respondent/Board for appointing the post of Graduate Assistant Tamil. This Court has carefully considered the contention raised by the petitioner.

4.Admittedly, the orders treating the B.A.Functional Tamil as equivalent to B.A.Tamil was issued through G.O.Ms.No.112 Higher Education (H2) Department dated 18.07.2014 i.e., two years after the advertisement issued by the respondent/Board. As on the date of issuance of the advertisement No.4 of 2012 dated 07.03.2012 or as on the date of certificate verification, there was no such order treating the B.A.Functional Tamil as an equivalent to B.A.Tamil.

5.In the absence of any such orders, the respondent/Board has no option except to reject the claim of the petitioner for appointment to the post of Graduate Assistant Tamil. There is no dispute that the B.A.Functional Tamil was treated as equivalent to B.A.Tamil only by virtue of the order dated 18.07.2014 and there were no previous orders.

6.In the circumstances, this Court is unable to find fault with the action of the respondent/Board in disqualifying the petitioner for want of



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possessing the requisite qualification for the post of Graduate Assistant Tamil pursuant to the recruitment process initiated through the Advertisement No.4 of 2012 dated 07.03.2012. In the circumstances, this Court does not find any merit in the writ petition and the same is accordingly dismissed. No costs. Consequently connected miscellaneous petition is closed.

18.10.2024

vsn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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MUMMINENI SUDHEER KUMAR, J.

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